

**CITY OF BEAVERTON  
STAFF REPORT AND RECOMMENDATION**

**TO:** Planning Commission

**STAFF REPORT DATE:** Wednesday, January 26, 2005

**STAFF:** Barbara Fryer, AICP, Senior Planner  
Leigh Crabtree, Associate Planner

**SUBJECT:** TA 2004-0011  
(Tree Code Text Amendments)

**REQUEST:** Amendments to Chapter 40, Chapter 60 and Chapter 90 of the Beaverton Development Code, currently effective through Ordinance 4332 (January 2005) to modify and clarify tree plan regulations.

**APPLICANT:** City of Beaverton  
Planning Services Division  
Barbara Fryer, AICP, Senior Planner  
4755 SW Griffith Drive  
Beaverton Oregon 97006

**AUTHORIZATION:** Ordinance 2050 (Development Code) effective through Ordinance 4332 (January 2005)

**APPLICABLE CRITERIA:** Ordinance 2050, effective through Ordinance 4332, Section 40.85.15.1.C.1-7 (Text Amendment Approval Criteria)

**HEARING DATE:** Wednesday, February 2, 2005

**RECOMMENDATION:** Staff recommend APPROVAL of text amendment application TA 2004-0011 (Tree Code Text Amendments).

## I. SUMMARY OF PROPOSED TEXT AMENDMENT

TA 2004-0011 (Tree Code Text Amendment) proposes amendments to tree-related text in the Beaverton Development Code. This application proposes amendments to Section 40.90 (Tree Plan, Exhibit 2) , Section 60.60 (Trees and Vegetation, Exhibit 3) and Chapter 90 (Definitions, Exhibit 4) of the Beaverton Development Code, currently effective via Ordinance 4332 (January 2005), to modify and clarify regulations related to removal and mitigation of trees and vegetation.

## II. STAFF RECOMMENDATION(S)

Staff offers the following recommendation for conduct of the February 2, 2005 public hearing for TA2004-0011 (Tree Code Text Amendment):

1. Open the public hearing.
2. Receive all public testimony.
3. Close the public hearing.
4. Considering the public testimony and the facts and findings presented in the staff report, deliberate on issues identified by the testimony or Planning Commission members.
5. Recommend **APPROVAL** of text amendment application **TA2004-0011 (Tree Code Text Amendment)** to the City Council.

## III. BACKGROUND

In 1998, the City contracted with Shapiro and Associates to update the City's Significant Tree Inventory maps by creating computer generated maps. Staff asked the Planning Commission to adopt the maps, but the Planning Commission identified a number of issues. First, they determined that the maps were not as accurate as they would like. Second, the Planning Commission determined that a number of tree groves and individual trees in the community are not reflected on the map. Third, the Planning Commission asked staff to come back with a program to review the tree regulations to address safety issues such as potential for blowdown following preservation of a portion of the grove. In January of 2001, staff outlined the history of the City's regulation of trees. The memorandum to City Council is attached as Exhibit 1. City staff prepared maps and distributed them to the Neighborhood Associations to identify any missing resources. Staff worked with the Planning Commission to develop an inventory methodology following the Statewide Planning Goal 5 processes, focusing on trees as aesthetic or scenic resources. Planning

Commission and staff developed the inventory criteria from January 2001 through July 2001. Staff completed the inventory in late October, with the data compilation, mapping and database development continuing through April 2002.

In September 2001, Planning Services staff held a work session with the Planning Commission to discuss concepts for the protection of the significant tree resources in the City. At the same time, in September of 2001, Development Services staff adopted the interim Development Code regulations in place today.

In April 2002, City staff held an open house to introduce the inventory and potential concepts for protection to property owners throughout the inventory area. In May, city staff discussed the methodology for the Environmental, Social, Economic, and Energy (ESEE) consequences analysis and concepts for protecting the significant resources. In September and October, the Planning Commission held hearings on CPA2002-0007 and CPA2002-0008 amendments to the Comprehensive Plan map and text to:

- delete resources titled “Significant Natural Resources, Important Natural Resources, and Other Natural Resources” adopted by City Council in 1984,
- delete the Significant Tree Inventory Map adopted by the Board of Design Review in 1991,
- delete the Significant Tree Inventory Map of Annexed Areas adopted by City Council in 1999, and
- add four new resource categories titled “Scenic Trees, Scenic Groves, Scenic Neighborhood Groves, and Scenic Corridors.”

The amendment also proposed to amend Volume III to add the Scenic Tree Project inventory information and determination of significant resources. At the hearings, the Planning Commission and staff corrected data and photo errors, identified inventoried resources that had been altered, and reassessed of some resources as requested by participants in the public hearing process. On October 2, the Planning Commission determined that the inventory was adequate to proceed to the next step in the Goal 5 process, and determined that those resources scoring above average using a weighted scoring system would be determined to be significant.

From October 2002 through December 2003, staff worked with the Planning Commission, the Development Liaison Committee and internal staff to develop draft tree regulations that could be used to analyze the Environmental, Social, Economic, and Energy consequences of allowing conflicting uses, limiting conflicting uses (the proposed draft regulations) or prohibiting the conflicting uses. Staff continued to work with GIS to produce the information needed by the consultants to complete the ESEE analysis. Unfortunately, the consultants could not produce the product necessary to adopt the proposed tree regulations under Goal 5.

In November 2004, the voters of Oregon passed Ballot Measure 37, which requires that local jurisdictions compensate property owners when new regulations reduce property value. As a consequence, the proposal will apply only to currently regulated properties, as informed by the Scenic Tree Project. New properties will not be added to the inventories. Regulations are generally proposed as clear and objective standards that can be implemented administratively. An applicant may choose to go through a public hearing process that is subject to more discretionary approval criteria if the applicant does not want to or cannot follow the clear and objective standards. A separate Comprehensive Plan Amendment is proposed to consolidate the various map layers in one digital database.

#### **IV. PROPOSAL OVERVIEW AND ISSUE DISCUSSION**

Staff propose modifications to Chapter 40 to address new threshold levels allowing applicants the opportunity to proceed through clear and objective standards as a Tree Plan 1 or 2 or through a Tree Plan 3 as a discretionary action when the standards cannot be met. Modifications to Chapter 60 are much more extensive and include provisions for enforcement, exemptions, removal and preservation standards, tree protection standards during development, and mitigation standards. Chapter 90 changes reflect the need to add new definitions based on terms used in Chapters 40 and 60.

##### Order of Magnitude for the Tree Plan Applications

Clear and objective standards are the goal of the proposed tree regulations rewrite. Exemptions from Tree Plans are clearly identified with objective criteria that are not debatable from one person to another. Tree Plan 1 applications are actions that affect specific classifications of trees in the City that can be clearly and objectively described and involve minimal removal of trees, or are in the public interest. Clearing and grubbing of vegetation is included in a Tree Plan 1 for the reasons explained below.

Tree Plan 2 applications are an order of magnitude greater in terms of affect on the tree resources. These actions are clearly and objectively described and involve removal of trees and also involved replacement of the trees through mitigation as specified in Chapter 60.

Tree Plan 3 applications involve removal of greater than 85% or 75% of the grove or SNRA, depending on the zoning district. This is the discretionary process that an applicant may propose when the clear and objective standards of Tree Plan 2 applications cannot be met. The amount of tree removal, where the tree removal occurs, how much mitigation and how it is implemented are all discretionary decisions that are subject to a Planning Commission or Board of Design Review

public hearing. The applicant must make the case that the tree removal, proposed mitigation, etc. is the minimum necessary to physically develop the site.

#### Exemption for Street and Sidewalk Improvements

The text proposed in Section 40.90.10.11 with regard to public street and sidewalk improvements intends to eliminate the Tree Plan application and mitigation requirements for improvements that are described as: half-street improvements where the right-of-way has already been dedicated (Graphic 1a), half-street improvements where the right-of-way has not been dedicated (Graphic 1b), full-street improvements where the street is existing right-of-way, but is not yet constructed (Graphic 1c). Exemptions would not be possible for street improvements that are noted on the Functional Classification map, but are not yet dedicated rights-of-way (Graphic 1d), as these areas could presumably attempt to locate the new roadway so that tree removal is avoided or minimized.

Discussion at the Planning Commission's January 19, 2005 work session suggested that staff should include a requirement to design around the tree resources. Including the design requirement is not a clear and objective criterion (who determines if the applicant modified the design enough?) and design alterations require approval from the Engineering Director; therefore, the requirement has not been included in the final proposed text. Staff will administratively encourage applicants to work with the Engineering Department on street design modifications where applicable.

#### Enforcement

Section 60.60.07 Enforcement, is in draft form and is subject to City Attorney and Municipal Judge revision.

#### Retention of Native Understory

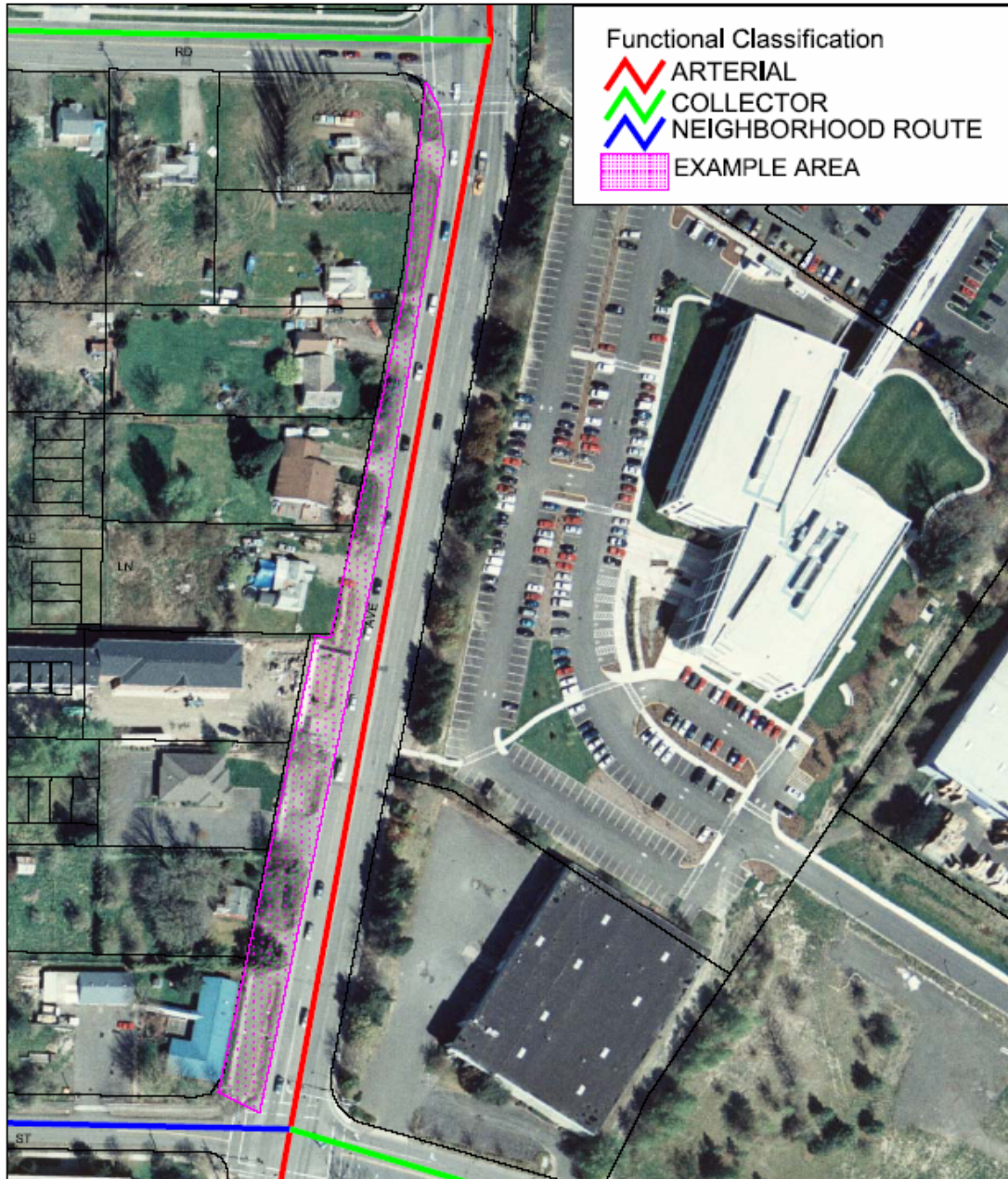
Clearing and grubbing is included in a Tree Plan 1 because the removal of understory vegetation and vegetation less than 10" DBH or 6" DBH for certain species, prior to determining the exact area of preservation can affect the health of the preserved area. Retention of the native understory maintains the fine root structure of the trees, minimizes damage to the "protected" tree trunks, and provides visual diversity in the landscape.

#### Performance Bonds

After briefly surveying Portland Metropolitan jurisdictions, staff conclude that retaining the existing 2-year performance bond is consistent with other jurisdictions. Portland's performance bonding is discretionary depending on the project. Most other jurisdictions, including Clean Water Services, require 2-year bonds.

# ROW Dedicated

## Graphic 1a



City of Beaverton

## Tree Code Text Amendment

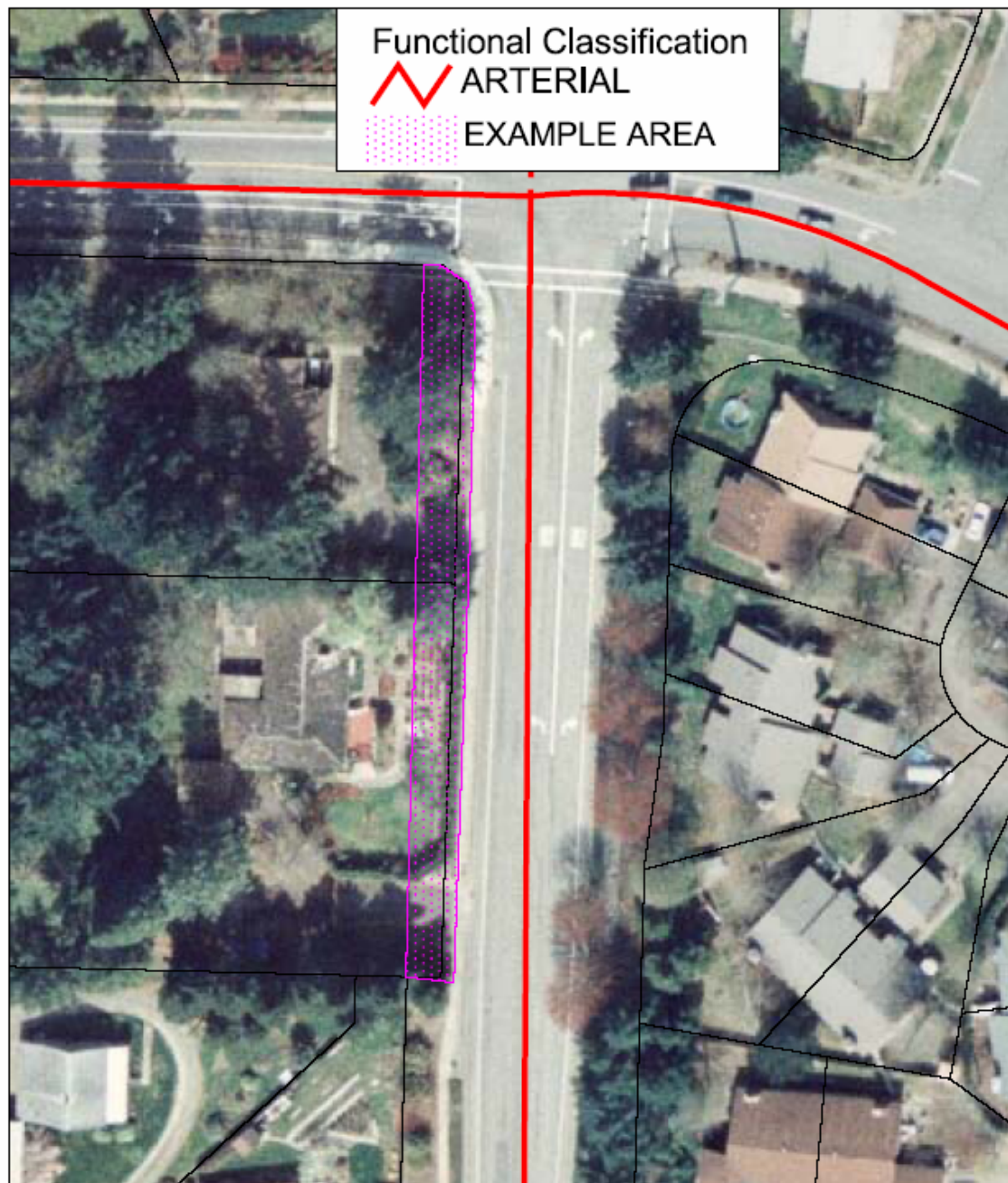
COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Services Division

01/25/05



Application #  
TA 2004-0011

# ROW Not Dedicated Graphic 1b



City of Beaverton

## Tree Code Text Amendment

COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Services Division

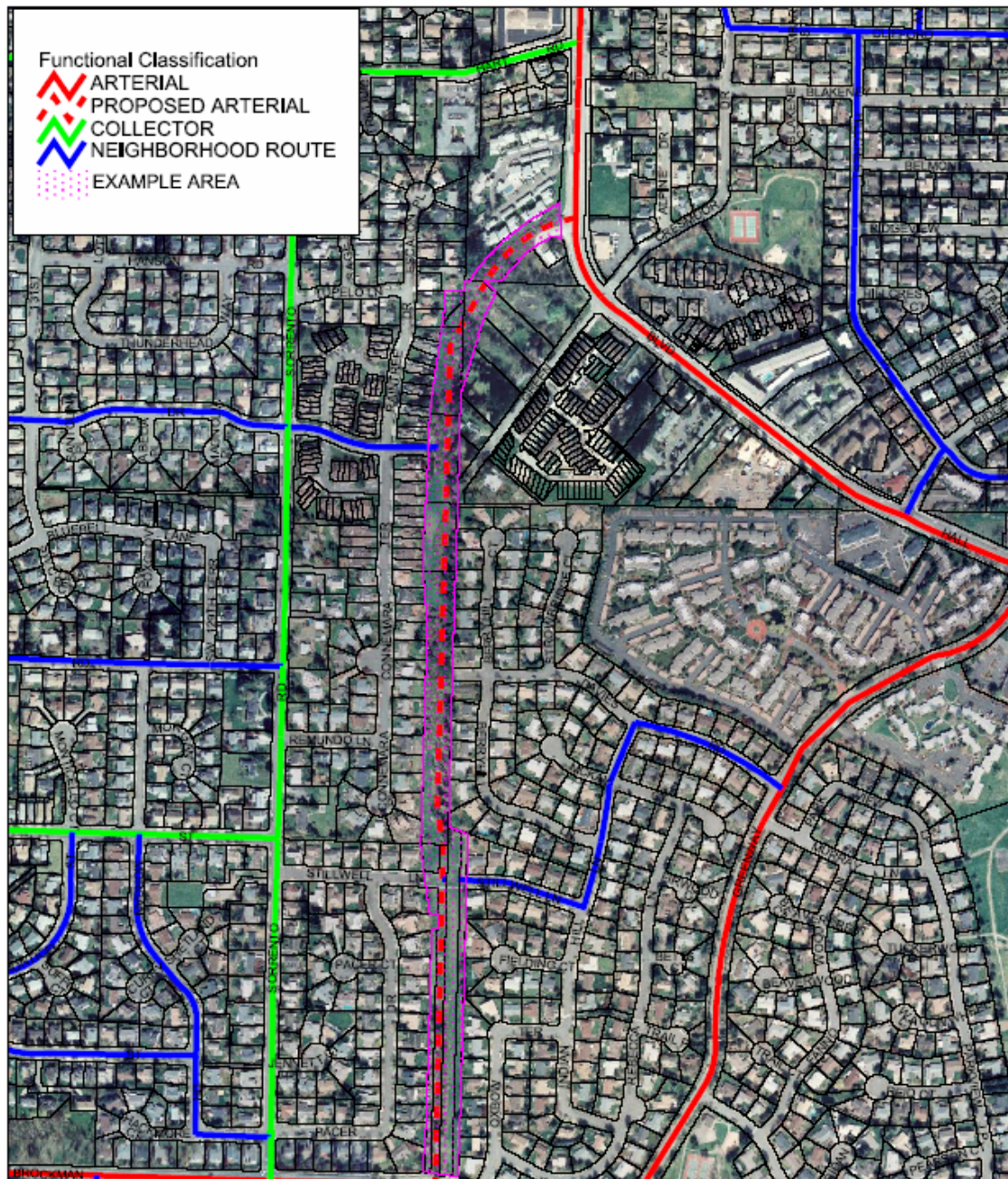
01/25/05



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# Existing ROW

## Graphic 1c



City of Beaverton

## Tree Code Text Amendment

COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Services Division

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# New ROW

## Graphic 1d



City of Beaverton

## Tree Code Text Amendment

COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Services Division

01/25/05



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### Tracts versus Conservation Easements

No formal consensus was achieved at the work session. Staff retained the requirement for separate tracts in the text of the proposal, and staff offers the following as an alternative:

Tree preservation areas identified for protection in a Land Division shall be set aside in a tree preservation tract. Tree preservation areas identified for protection associated with a Conditional Use Permit, Design Review or Tree Plans, and all other permit processes shall be protected with a conservation easement recorded as a deed restriction with Washington County. Maintenance requirements as specified by this code for either tree preservation tracts or conservation easements shall be recorded as a deed restriction with Washington County.

### Nomenclature and Lists

Comment was made at the Planning Commission work session that staff should be consistent when using botanical and common names for plant materials and with regard to native, nuisance, hazardous, and lists such as Metro and Clean Water Services. To be clear, staff eliminated reference to botanical and common names, where possible; where not possible, staff included both. “Native plant species”, “nuisance plants”, and “hazardous” is defined in the proposed Chapter 90. To provide clarity, existing tree-related definitions are included in the Chapter 90 attachment, new definitions are provided in *italic* type-face. Metro and Clean Water Service lists change over time; it is helpful to include these as lists so that they can change without a change in the Development Code.

## **V. PUBLIC COMMENTS**

The January 12, 2005 notice of application specified January 25, 2005 as the due date for written comments to be addressed in the staff report and recommendation. As of the date of issuance of this staff report and recommendation, there were no written comments submitted for the record.

## **VI. FACTS AND FINDINGS**

Section 40.85.15.1.C of the Development Code specifies that in order to approve a Text Amendment application, the decision-making authority shall make findings of fact, based on evidence provided by the applicant, that all of the criteria specified in Section 40.85.15.1.C.1-7 are satisfied. The following are the findings of fact for TA 2004-0011 (Tree Code Text Amendments):

### **40.85.15.1.C.**

1. **The proposal satisfies the threshold requirements for a Text Amendment application.**

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is proposed any change to the Development Code, excluding changes to the zoning map. TA 2004-0011 (Tree Code Text Amendments) proposes to amend Sections 40.90, 60.60 and Chapter 90 of the Beaverton Development Code currently effective through Ordinance 4332 (January 2005). Therefore, staff find that approval criterion one has been met.

2. **All City application fees related to the application under consideration by the decision-making authority have been submitted.**

Policy Number 470.001 of the City's Administrative Policies and Procedures manual states that fees for a City initiated application are not required where the application fee would be paid from the City's General Fund. The Development Services Division, which is a General Fund program, initiated the application. Therefore, the payment of an application fee is not required. Staff find that approval criterion two is not applicable.

3. **The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.**

This application for Text Amendment is the modification of Section 40.85 (Tree Plan), Section 60.60 (Trees and Vegetation) and Chapter 90 (Definitions). These modifications provide a more comprehensive approach to tree removal and mitigation requirements. The Metro Urban Growth Management Functional Plan contains twelve titles covering twelve separate sets of policy. The proposed Development Code modifications must comply with the following titles:

**Title 1 (Metro Code Sections 3.07.110 - 3.07.170)**

**Requirements for Housing and Employment Accommodation**

*One goal of the Framework Plan is the efficient use of land. Title 1 intends to use land within the UGB efficiently by increasing its capacity to accommodate housing and employment. Title 1 directs each city and county in the region to consider actions to increase its capacity and to take action if necessary to accommodate its share of regional growth as specified in this title.*

The proposal identifies clear and objective standards for tree removal and sets forth clear and objective mitigation standards. The modification of the existing tree regulations provide a clear, quick process for applicants, thereby making development applications proceed more easily through the process. Applicants in

Multiple Use zoning districts may remove up to 85% of the trees on site, as measured by DBH, while all other zoning districts may remove up to 75%. Retaining fewer trees on Multiple Use district sites will allow the applicant to develop at higher densities in centers and station communities, consistent with the Urban Growth Management Functional Plan and the Metro 2040 Growth Concept that it implements.

## **Title 2 (Metro Code Sections 3.07.210 - 3.07.220)**

### **Regional Parking Policy**

*The State's Transportation Planning Rule calls for reductions in vehicle miles traveled per capita and restrictions on construction of new parking spaces as a means of responding to transportation and land use impacts of growth. The Metro 2040 Growth Concept calls for more compact development as a means to encourage more efficient use of land, promote non-auto trips and protect air quality. In addition, the federally mandated air quality plan adopted by the state relies on the 2040 Growth Concept fully achieving its transportation objectives. Notably, the air quality plan relies upon reducing vehicle trips per capita and related parking spaces through minimum and maximum parking ratios. This title addresses these state and federal requirements and preserves the quality of life of the region.*

*A compact urban form requires that each use of land is carefully considered and that more efficient forms are favored over less efficient ones. Parking, especially that provided in new developments, can result in a less efficient land usage and lower floor to area ratios. Parking also has implications for transportation. In areas where transit is provided or other non-auto modes (walking, biking) are convenient, less parking can be provided and still allow accessibility and mobility for all modes, including autos. Reductions in auto trips when substituted by non-auto modes can reduce congestion and increase air quality.*

The proposal does not affect the City's parking standards.

## **Title 3 (Metro Code Sections 3.07.310 - 3.07.370)**

### **Water Quality, Flood Management and Fish and Wildlife Conservation**

*To protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities, protecting life and property from dangers associated with flooding and working toward a regional coordination program of protection for Fish and Wildlife Habitat Areas.*

The proposal provides for a clear and objective process to preserve 15% (Multiple Use zoning districts) and 25% (all other zoning districts) of the trees, as measured by DBH, on a resource site. Previously, applicants were required to retain only 5% of the total trees on site. The new regulations reduce the mitigation required, but increase the retention, resulting in more cohesive stands of trees while reducing the number of protected and mitigation trees that do not survive after development. Clear standards for mitigation will likely result in greater success.

#### **Title 4 (Metro Code Sections 3.-07.410 - 3.07.440)**

##### **Industrial and Other Employment Areas**

*The Regional Framework Plan calls for a strong economic climate. To improve the region's economic climate, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of "clustering" to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region's transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Employment Areas, Corridors, Main Streets and Station Communities. The Metro Council will evaluate the effectiveness of Title 4 in achieving these purposes as part of its periodic boundary.*

The proposal has limited applicability in the City's industrial and employment areas. Where the proposal applies, the clear and objective standards will reduce the processing time required to develop the site and will result in more efficient use of the site and its associated resource areas.

#### **Title 5 (Metro Code Sections 3.07.510-3.07.540)**

##### **Neighbor Cities and Rural Reserves**

*The intent of this title is to clearly define Metro policy with regard to areas outside the Metro Urban Growth Boundary. NO PORTION OF THIS TITLE CAN REQUIRE ANY ACTIONS BY NEIGHBORING CITIES. Metro, if neighboring cities jointly agree, will adopt or sign rural reserve agreements for those areas designated rural reserve in the Metro 2040 Growth Concept with Multnomah, Clackamas, and Washington County, and Neighbor City Agreements with Sandy, Canby, and North Plains. Metro would welcome discussion about agreements with other cities if they request such agreements. In addition, counties and cities within the Metro boundary are hereby required to amend their comprehensive plans and implementing ordinances within twenty-four months to reflect the rural reserves and green corridors policies described in the Metro 2040 Growth Concept.*

This title is not applicable to the proposed amendment.

**Title 6 (Metro Code Sections 3.07.610 - 3.07.650)**  
**Central City, Regional Centers, Town Centers and Station Communities**

*The success of the 2040 Growth Concept depends upon the maintenance and enhancement of the Central City, Regional and Town Centers and Station Communities as the principal centers of urban life in the region. Title 6 intends to enhance Centers by encouraging development in these Centers that will improve the critical roles they play in the region and by discouraging development outside Centers that will detract from those roles. As used in this title, the term “Centers” includes the Central City, Regional and Town Centers and Station Communities.*

As noted earlier in this staff report, increasing the minimum retention area while reducing the required mitigation will result in more efficient use of land. Minimum retention in Mixed Use areas is 15% while all other areas is 25%. This should encourage these areas to develop more intensely, in line with the intended development pattern, while allowing some resource areas to be retained.

**Title 7 (Metro Code Sections 3.07.710-3.07.760)**  
**Affordable Housing**

*The Regional Framework Plan stated the need to provide affordable housing opportunities through: a) a diverse range of housing types, available within the region, and within cities and counties inside Metro's Urban Growth Boundary; b) sufficient and affordable housing opportunities available to households of all income levels that live or have a member working in each jurisdiction and subregion; c) an appropriate balance of jobs and housing of all types within subregions; d) addressing current and future need for and supply of affordable housing in the process used to determine affordable housing production goals; and e) minimizing any concentration of poverty. The Regional Framework Plan directs that Metro's Urban Growth Management Functional Plan include voluntary affordable housing production goals to be adopted by local jurisdictions in the region as well as land use and non-land use affordable housing tools and strategies. The Regional Framework Plan also directs that Metro's Urban Growth Management Functional Plan include local governments' reporting progress towards increasing the supply of affordable housing.*

*Title 1 of this functional plan requires cities and counties to change their zoning to accommodate development at higher densities in locations supportive of the transportation system. Increasing*

***allowable densities and requiring minimum densities encourage compact communities, more efficient use of land and should result in additional affordable housing opportunities. These Title 1 requirements housing strategy.***

Clear and objective standards that allow an applicant to proceed through administrative rather than discretionary processes automatically reduces the costs borne by the applicant through reduction in processing time. Thus, the overall costs to develop the site should not preclude efforts to achieve affordable housing in areas of the city that would be subject to the proposed regulations.

**Title 8 (Metro Code Sections 3.07.810-3.07.890)**  
**Compliance Procedures**

***D. Cities and counties that amend their comprehensive plans or land use regulations after the effective date of the functional plan shall make the amendments in compliance with the functional plan. The Chief Operating Officer shall notify cities and counties of the effective date.***

***F. An amendment to a city or county comprehensive plan or land use regulation shall be deemed to comply with the functional plan if no appeal to the Land Use Board of Appeals is made within the 21-day period set forth in ORS 197.830(9), or if the amendment is acknowledged in periodic review pursuant to ORS 197.633 or 197.644. If an appeal is made and the amendment is affirmed, the amendment shall be deemed to comply with the functional plan upon the final decision on appeal. Once the amendment is deemed to comply with the functional plan, the functional plan shall no longer apply to land use decisions made in conformance with the amendment.***

***G. An amendment to a city or county comprehensive plan or land use regulation shall be deemed to comply with the functional plan as provided in subsection F only if the city or county provided notice to the Chief Operating Officer as required by Section 3.07.820(A).***

The DLCD Notice of Proposed Amendment was mailed and emailed to Metro on December 28, 2004.

**Title 9 (Metro Code Sections 3.07.910-3.07.920)**  
**Performance Measures**

***In order to monitor progress in implementation of the Urban Growth Management Functional Plan and to evaluate and improve the plan over time, Metro shall measure and report on progress toward achievement and expected outcomes resulting from the implementation of the functional plan.***

This Functional Plan requirement is irrelevant to the proposal.

**Title 10 (Metro Code Section 3.07.1010)**

**Definitions**

This title defines the words and terms used in the document.

This Functional Plan requirement is irrelevant to the proposal.

**Title 11 (Metro Code Sections 3.07.1105 - 3.07.1140)**

**Planning for New Urban Areas**

*It is the purpose of Title 11 to require and guide planning for conversion from rural to urban use of areas brought into the UGB. It is the intent of Title 11 that development of areas brought into the UGB implement the Regional Framework Plan and 2040 Growth Concept.*

This Functional Plan requirement is irrelevant to the proposal.

**Title 12 (Metro Code Sections 3.07.1210 - 3.07.1240)**

**Protection of Residential Neighborhoods**

*Existing neighborhoods are essential to the success of the 2040 Growth Concept. The intent of Title 12 of the Urban Growth Management Functional Plan is to protect the region's residential neighborhoods. The purpose of Title 12 is to help implement the policy of the Regional framework Plan to protect existing residential neighborhoods from air and water pollution, noise and crime and to provide adequate levels of public services.*

This Functional Plan requirement is irrelevant to the proposal.

**Conclusion**

Based on the analysis above, staff find that the proposal complies with the Urban Growth Management Functional Plan.

**4. The proposed text amendment is consistent with the City's Comprehensive Plan.**

There are no specific Comprehensive Plan policies that address the proposed amendments. The proposed text amendments will not change the intent of the existing Development Code regulations, such that goals and policies of the Comprehensive Plan will be impacted. The following policies are addressed generally:

**Chapter 2 – Public Involvement Element**

**City Council Goal: Enhance citizen involvement and participation.**

***Comprehensive Plan Public Involvement Goal: The Commission, Council, and other decision making bodies shall use their best efforts to involve the public in the planning process.***

Chapter 2 of the Comprehensive Plan (Public Involvement Element) is relevant to the proposed amendments. Although Chapter 2 of the Comprehensive Plan does not contain discrete policies to which the proposed amendments are applicable, the public outreach conducted by staff thus far for this proposal provides for adequate public involvement. As noted earlier in the staff report, in the past few years staff has discussed this issue with the Committee for Citizen Involvement (CCI), Neighborhood Associations (when requested), and the Development Liaison Committee. Staff conducted an all day Open House to consider alternative approaches to tree protection on a Saturday in April, 2002 at the Beaverton Public Library. Several Planning Commission work sessions and public hearings have also been held on the issue. Additionally, this proposal in its final form is scheduled for a public hearing before the Planning Commission followed by subsequent City Council consideration.

### **Chapter 3 – Land Use Element**

***3.4.1 Goal: Provide a policy framework for a community designed to establish a positive identity while enhancing livability.***

***3.4.2 Goal: Proper relationships between residential, commercial, industrial, mixed and public land uses to provide a sound basis for urbanization.***

***3.5.1 Goal: Beaverton mixed use areas that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.***

***3.6.1 Goal: Regional Centers that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.***

***3.7.1 Goal: Town Centers that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.***

***3.8.1 Goal: Station Communities that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.***

***3.8.2 Goal: Develop Station Communities with sufficient intensities to generate light rail ridership and around-the-clock activity.***

***3.9.1 Goal: Main Street Areas with a vibrant mix of neighborhood commercial and residential uses in a pedestrian friendly environment that includes wide sidewalks with pedestrian amenities.***

***3.10.1 Goal: An attractive mix of commercial and higher density residential uses along major roads through the City that invites pedestrian activity where appropriate.***

***3.11.1 Goal: Regulate development in Employment Areas to accommodate changing market trends while maintaining the City's***

*employment base.*

*3.12.1 Goal: Attractive, compatible industrial, manufacturing, warehouse, and heavy industrial development at locations in the City served by good transportation networks.*

*3.13.1 Goal: Provide for the establishment and maintenance of safe, convenient, attractive and healthful places to live.*

*3.13.2 Goal: Retain established large lot zoning in limited areas.*

*3.13.3 Goal: Establish Standard Density Residential areas to provide moderate sized lots for typical single family residences with private open space.*

*3.13.4 Goal: Establish Medium Density Residential areas to allow for single family attached and detached, and multiple-family developments.*

*3.13.5 Goal: Establish High Density Residential areas to allow for a variety of housing types.*

The aforementioned goals are met by the flexibility built into the proposal. By allowing the applicant the opportunity to follow clear and objective standards or a public hearing process, staff believe that the proposal continues to allow applicants to meet the goals through the development process.

#### **Chapter 4 – Housing Element**

*Through comprehensive planning, the City of Beaverton can help guide the quantity, types, and affordability of its housing. Goal 10 of Oregon’s Statewide Planning Goals and Guidelines pertains specifically to housing. It stipulates that in preparing Comprehensive Plans, “Buildable lands for residential use shall be inventoried and plans shall encourage availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.” In conformance with this provision, as well as those specified in Oregon Revised Statute (ORS) section 197.295 -.314, Oregon Administrative Rules (OAR) section 660-007-008, Metro’s Urban Growth Management Functional Plan (UGMFP) - Title 1, and Metro’s Regional Affordable Housing Strategy (RAHS), the City conducted a buildable lands analysis and various housing needs studies and has adopted the following goals, policies, and actions to address the City’s housing needs as they pertain to the availability of housing supply, housing type, and housing affordability as specified below.*

Please note the Title 7 discussion under Metro Urban Growth Management Functional Plan compliance, which is also relevant to this Comprehensive Plan chapter.

#### **Chapter 5 – Public Facilities and Services Element**

*5.3.1 Goal: Ensure long-term provision of adequate urban services within existing City limits and areas to be annexed in the future.*

*5.4.1 Goal: Ensure long-term provision of adequate storm water management within existing City limits and areas to be annexed in the future.*

*5.5.1 Goal: The City shall continue to participate in the Joint Water Commission and work with the West Slope, Raleigh and Tualatin Valley Water Districts to ensure the provision of adequate water service to present and future customers in Beaverton.*

*5.6.1. Goal: The City shall continue to cooperate with CWS to ensure long-term provision of an adequate sanitary sewer system within existing City limits and areas to be annexed in the future.*

*5.7.1 Goal: Cooperate with the Beaverton School District in its efforts to provide the best possible educational facilities and services to Beaverton residents.*

*5.8.1 Goal: Cooperate with THPRD in implementation of its 20-Year Comprehensive Master Plan and Trails Master Plan in order to ensure adequate parks and recreation facilities and programs for current and future City residents.*

*5.9.1 Goal: Provide full service police protection to the City's incorporated area and to new areas as they are annexed.*

*5.10.1 Goal: Cooperate with TVF&RD to insure adequate fire and emergency medical services for the current and future residents of the City.*

The proposal provides new regulations for restoration, road construction, trail construction, and other public improvements necessary for adequate public services.

## **Chapter 6 – Transportation Element**

*6.2.1. Goal: Transportation facilities designed and constructed in a manner to enhance Beaverton's livability and meet federal, state, regional, and local requirements.*

*6.2.2. Goal: A balanced transportation system.*

*6.2.3. Goal: A safe transportation system.*

*6.2.4. Goal: An efficient transportation system that reduces the percentage of trips by single occupant vehicles, reduces the number and length of trips, limits congestion, and improves air quality.*

*6.2.5. Goal: Transportation facilities that serve and are accessible to all members of the community.*

*6.2.6. Goal: Transportation facilities that provide efficient movement of goods.*

*6.2.7. Goal: Implement the transportation plan by working cooperatively with federal, State, regional, and local governments, the private sector, and residents. Create a stable, flexible financial system.*

The proposal includes a new provision exempting minimal transportation improvements from tree protection requirements, reducing the difficulty and cost of achieving the goals listed above.

## **Chapter 7 – Natural, Cultural, Historic, Scenic, Energy, and Groundwater Resources Element**

***7.1.1 Goal: Balance development rights with natural resource protection.***

***7.2.1 Goal: Preserve, manage and encourage restoration of historic sites, structures, and objects designated as Significant Historic Landmarks, and protect the character of the Downtown Historic District as listed on the National Register of Historic Places.***

***7.3.1.1 Goal: Conserve, protect, enhance or restore the functions and values of inventoried Significant Natural Resources.***

***7.3.2.1 Goal: Promote a healthy environment and natural landscape in riparian corridors, and manage conflicting uses through education, and adoption and enforcement of regulations.***

***7.3.3.1 Goal: Protect or enhance wetlands adopted as Significant Wetlands in the Local Wetland Inventory.***

***7.3.4.1 Goal: Protect wildlife habitat in the city in association with protecting significant natural resources.***

***7.4.1 Goal: Conserve Significant Scenic Views and Sites, and the value they add to community.***

***7.5.1 Goal: Development projects and patterns in the City that result in reduced energy consumption.***

***7.5.2 Goal: Increased use of solar energy and other renewable energy resources in new development in the City.***

***7.6.1 Goal: Protect groundwater in the City from contamination.***

The proposal attempts to balance the need to retain trees, tree canopy and habitat throughout the city while allowing development of the urban area at appropriate densities.

## **Chapter 8 – Environmental Quality and Safety Element**

**8.2.1. Goal: Maintain and improve water quality, and protect the beneficial uses, functions and values of water resources.**

**8.3.1. Goal: Maintain and improve Beaverton's air quality to increase livability and quality of life.**

The proposal does not affect the existing water quality regulations, but may increase the city's ability to ensure that the existing regulations are implemented properly. By calling for a higher percentage of trees in inventoried groves to be protected from development through clear and objective processes, as well as the protection of native understory vegetation in the preserved areas of groves, the

proposal should reduce the amount of impervious surface created as a result of development, thereby reducing surface water runoff and resulting water pollution.

### **Chapter 9 – Economy Element**

9.2.2.1 Goal: To support business development through an effective transportation system, targeted land (re)development, and adequate infrastructure.

9.2.2.2 Goal: To enable businesses to easily start or expand their enterprise.

9.2.3.1 Goal: To support a high quality of life for all of Beaverton's citizens.

The proposal provides a mechanism for land development and redevelopment to proceed through processing more easily via the clear and objective procedures. Adequate infrastructure and effective transportation systems may be implemented without mitigation and without tree plan applications in the proposal. Businesses can more readily expand into treed areas by following the clear and objective criteria established through this proposal. By balancing business needs and the natural resource environment, tree resources, the proposal will support a high quality of life for the residents and property owners in Beaverton.

### **Conclusion**

Staff find that the proposed text amendments are consistent with the provisions of the Beaverton Comprehensive Plan. Therefore, staff find that approval criterion four has been met.

### **5. The proposed text amendment is consistent with other provisions within the City's Development Code.**

The proposed amendments include changes to Chapter 40 to maintain consistency with Chapter 60. Chapter 90 amendments are to ensure that the terms used in Chapters 40 and 60 are clear. Thus, the proposal does not create impacts or conflicts with other provisions within the Development Code. Staff find that proposed amendments are consistent with the other provisions of the Development Code. Staff concludes, therefore, that approval criterion five has been met.

### **6. The proposed amendment is consistent with all applicable City ordinance requirements and regulations.**

The current Development Code and Ordinance No. 4187, which adopted the current Comprehensive Plan, are applicable to the proposed text amendment and are addressed in the findings of fact for approval criterion four and five. Staff did not identify any other applicable City ordinance requirements and regulations that

would be affected by the proposed text amendments. Therefore, staff find that approval criterion six has been met.

**7. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.**

Staff have determined that there are no other applications and documents related to the request that will require further City approval. Therefore, staff find that approval criterion seven has been met.

**VII. CONFORMANCE WITH STATEWIDE PLANNING GOALS**

**GOAL 1 - CITIZEN INVOLVEMENT**

**To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.**

Numerous opportunities for public involvement were identified in the discussion under Comprehensive Plan Chapter 2.

**GOAL 2 - LAND USE PLANNING**

**To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.**

The City of Beaverton has adopted a Comprehensive Plan that includes text and maps (Ordinance 4187) along with implementation measures such as the Development Code (Ordinance 2050, effective through Ordinance No. 4332). These land use planning processes and policy framework form the basis for decisions and actions, such as the subject text amendment proposal. The proposed Development Code amendment has been processed in accordance with Section 40.85 (Text Amendment) and Section 50.50 (Type 4 Application) of the Development Code. Section 40.85 contains specific approval criteria for the decision-making authority to apply during its consideration of the text amendment application. Section 50.50 (Type 4 Application) specifies the minimum required public notice procedures to insure public input into the decision-making process. The City of Beaverton's Comprehensive Plan has been acknowledged by the State Department of Land Conservation and Development to be consistent with Statewide Planning Goal 2.

**GOAL 5 – OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES**

**To conserve open space and protect natural and scenic resources.**

The City has an active Goal 5 component in its Comprehensive Plan known as the Local Wetland Inventory and Riparian Assessment (Ordinance 4125). Wetlands on the Local Wetland Inventory and Significant Riparian Corridors are defined in the Development Code as being Significant Natural Resource Areas (SNRAs). Trees in SNRAs are subject to protection under existing City regulations and the regulations proposed by this application. Historic Trees are also Goal 5 resources and are also subject to both existing tree protection regulations and the regulations proposed by this application. Separately from Goal 5 resources inventoried by the city, the city protects trees on a Board of Design Review approved Inventory of Significant Trees and Groves. The proposal clarifies the roles of these seemingly disparate inventories covering similar resources.

#### **GOAL 6 – AIR, WATER AND LAND RESOURCES QUALITY**

**To maintain and improve the quality of air, water and land resources of the state.**

As noted above in findings addressing Chapter 8 of the Comprehensive Plan, retaining trees on site and requiring mitigation may contribute to the urban forest's capacity reduce the impacts of development on water quality and quantity, as well as to clean the air.

#### **GOAL 7 – AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS**

**To protect life and property from natural disasters and hazards.**

Protected trees and understory vegetation help to reduce flooding by absorbing rainfall and slowing surface water runoff, thereby reducing the rise in stream levels after rain storms. The roots of protected trees and understory vegetation also stabilize soils on steep slopes, thereby reducing landslide potential. To the extent that the tree protection regulations proposed by this application increase the protection of trees and understory vegetation in the city, achievement of Goal 7 will be furthered.

#### **GOAL 8 – RECREATIONAL NEEDS**

**To satisfy the recreational need of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.**

The proposal includes new limited development opportunities for trail construction, allowing greater access to forested areas within the city. To the extent that the aesthetic value of trees also has recreational value, the proposal should also further compliance with Goal 8.

### **GOAL 9 – ECONOMY OF STATE**

**To diversify and improve the economy of the state.**

See the discussion under the Metro Urban Growth Management Functional Plan and the City's Comprehensive Plan.

### **GOAL 10 - HOUSING**

**To provide for the housing needs of citizens of the state.**

See the discussion under the Metro Urban Growth Management Functional Plan.

### **GOAL 12 - TRANSPORTATION**

**To provide and encourage a safe, convenient and economic transportation system.**

See the discussion under the Metro Urban Growth Management Functional Plan and under Chapter 6 of the City's Comprehensive Plan.

## **VIII. CONCLUSION AND STAFF RECOMMENDATION**

Based on the facts and findings presented, staff conclude that the proposed amendment to the Development Code is consistent with all the text amendment approval criteria of Section 40.85.15.1.C.1-7. Therefore, staff recommend the Planning Commission **APPROVE** TA 2004-0011 (Tree Code Text Amendments) at the February 2, 2005 regular Commission hearing.

## **IX. EXHIBITS**

Exhibit 1: January 2001 Memorandum to City Council

Exhibit 2: Proposed Amendments to Chapter 40, section 90 (Tree Plan)

Exhibit 3: Proposed Amendments to Chapter 60, section 60 (Trees and Vegetation)

Exhibit 4: Proposed Amendments to Chapter 90, Definitions

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EXHIBIT 1  
January 2001 Memorandum to City Council



**MEMORANDUM**  
**CITY OF BEAVERTON**  
**COMMUNITY DEVELOPMENT DEPARTMENT**

"MAKE IT HAPPEN"

**To:** City Council  
**Date:** January 26, 2005  
**From:** Barbara Fryer, AICP  
Senior Planner  
**Subject:** *Background Information regarding Contract Award Agenda  
Bill for Statewide Planning Goal 5 Implementation Professional  
Planning Services*

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A number of issues and historical facts are pertinent to the reasoning behind the approach to this project. The following information details the history of the City's implementation of Statewide Planning Goal 5 and raises a number of issues that staff attempts to address as part of this project.

**SIGNIFICANT NATURAL RESOURCES HISTORY:**

In May of 1985, the City adopted Ordinance 3439, which amended the Comprehensive Plan by adopting A Comprehensive Plan for Beaverton's Natural Resources (GPA 2-84, TA 8-84), dated July 1984. This amendment, adopted pursuant to Goal 5, assigned significance to Beaverton's natural resources in the following manner: "Areas designated on the plan map as Significant Natural Resources generally contain wetlands and/or riparian-stream corridors that are important principally for their wildlife habitat value. Other areas shown on the map that contain *major stands of trees*, drainage swales, and other natural vegetation were determined to be primarily important for their *aesthetic value* although many also provide wildlife habitat of some, although relatively less, importance." (Italics added for emphasis.) The primary policy adopted with respect to trees, under this Goal 5 effort, is as follows: "Upland vegetation areas are particularly valuable for mature trees or shrubs and these should be retained to the extent feasible in the development of these areas." The Department of Land Conservation and Development (DLCD) acknowledged this amendment as complying with Statewide Planning Goal 5.

**SIGNIFICANT TREE INVENTORY HISTORY:**

In August 1990, City Council approved Ordinance 3740, which adopted a new Development Code section on Tree Regulations. The ordinance adopted tree regulations requiring Board of Design Review approval of a new "significant tree

inventory". The inventory was to be conducted in compliance with the new regulations adopted. In February 1991, the Board of Design Review approved the "significant tree inventory" and forwarded it to the City Council for their consent. The "significant tree inventory consisted of a map that shows the location of the designated significant trees and the approximate location of significant groves, a one page document per significant tree or grove providing information on tree species and size, and a photograph.

The inventory was "adopted" on consent at City Council in April of 1991, with the exception of two groves. These two groves of trees were "appealed" for Council consideration in a public hearing. In June of 1991, the City Council held a hearing to consider adoption of two groves of trees. At the June 24, 1991 Council meeting, City Council adopted Order No. G-39/G-41/683, Order granting appeal and removing groves from inventory. The 1991 "significant tree inventory" map was never formally adopted by ordinance, nor was it prepared in accordance with the requirements of Statewide Planning Goal 5.

It is unclear whether the inventory was intended to serve either as compliance with a Goal 5 requirement or the Oregon Forest Practices Act (OFPA). Presumably, if adopted under either provision, findings or discussion would have been provided in the accompanying staff report prepared for the Board of Design Review or the City Council actions. Under ORS 527.722, the OFPA permits local governments "to allow, prohibit or regulate forest practices on lands within an acknowledged urban growth boundary." Furthermore, in jurisdictions where local regulations have been adopted before 1991, the "existence or adoption of such policies or regulations relieves the State Forester of responsibility to administer the Oregon Forest Practices Act within the affected area."

In 1996, DLCD adopted amendments to Statewide Planning Goal 5, including classification of Scenic Views and Sites, Open Space and Historic Resources inventories as optional. As part of the Periodic Review work program, staff identified that the City's Goal 5 program required completion of a Local Wetland Inventory and Riparian Assessment, two inventories that were not required in 1984. Also, staff identified a need to revise the City's Historic Resources Inventory to provide a mechanism for property owners to opt out if they so chose. Finally, staff identified a need to update the Goal 5 resource maps through digitization in the computer, including the 1984 Natural Resources map and the 1991 significant tree inventory.

## **PERIODIC REVIEW WORK PROGRAM FOR GOAL 5:**

In developing the City's Periodic Review Work Program, staff intended to nest the existing Significant Natural Resource Map, the Significant Tree Inventory Map, the Local Wetland Inventory and Urban Riparian Assessment Map, and the Historic Resources Map as different layers of a composite resource map.

Pursuant to Statewide Planning Goal 5, the City contracted with Shapiro and Associates to complete a number of inventories, including a tree inventory of areas that annexed since the 1991 inventory was adopted. A Goal 5 advisory committee was established to assist staff and the consultant in developing the information to be inventoried on each site, the significance criteria, and in conducting an analysis of the Environmental, Economic, Social, and Energy (ESEE) consequences of protecting the significant tree groves and allowing conflicting uses.

#### **PERIODIC REVIEW AMENDMENTS:**

Shapiro and Associates completed an inventory of tree groves greater than 2 acres in size in areas that annexed since the 1991 significant tree inventory was conducted. The consultants also conducted an ESEE analysis and recommended some modifications to the existing Development Code regulations. In September 1999, City Council adopted Ordinance No. 4065, amending the Comprehensive Plan by adopting the significant tree inventory map (CPA 99-0007) for annexed areas and supporting documentation (CPA 99-0008). The supporting documentation included inventory information on the groves, a determination of significance, and an ESEE consequences analysis for the annexed areas only. The ordinance refers to the map amendment (CPA 99-0007) as amending the City's Comprehensive Plan Significant Natural Resource Map to update the City's current Significant Tree Inventory Map with information regarding areas that have annexed since the original map was adopted in 1991.

Shapiro and Associates were also contracted to update the 1991 tree inventory information for areas within the city. The work scope specified that the consultants would review aerial photography and visit sites to determine if trees had been removed since the 1991 inventory and to determine tree health. Photographs of each site were taken and inventory forms were updated. The resulting groves and trees were then digitized (mapped via the computer). Staff proposed a Comprehensive Plan Amendment to adopt this work (CPA 99-0017 and CPA 99-00018), which first came before the Planning Commission on September 15, 1999. At the September 15, 1999 hearing, the Planning Commissioners questioned the accuracy of the maps and the "project". Commissioners were concerned that the aerial interpretation of existing resources was not accurate enough. Also, the Commissioners questioned whether the "project" truly updated the inventory. Commissioners asked that staff return with answers to their questions.

Staff returned to the Planning Commission on November 17, 1999. Staff identified that the "project" was not intended to re-evaluate the tree resources within the City and propose new tree resources as significant. The "project" was to update the 1991 inventory map using current technology, provide information regarding relative tree health and tree resources removed, and provide a current photograph. The Planning Commission requested staff revisit the inventory to look at trees and groves that had not previously been designated and to prepare a map with tree preservation tracts and tree preservation plans approved through the development review process. Staff requested a continuance of the project to December 15, 1999.

Concurrent with the inventory amendments, staff proposed amendments to both the Comprehensive Plan (CPA99-00013) and Development Code (TA99-00004) text. The Goal 5 tree regulation amendments came before the Planning Commission on September 15, 1999. The proposal was continued to November 3, 1999 and again to December 15, 1999 to coincide with the inventory amendments. The Goal 5 committee, referenced earlier, identified a number of issues that could be addressed in amendments to the regulatory framework, including more clear and objective standards for tree preservation. At the same time the Development Services Division staff identified a number of outstanding issues related to the tree regulations adopted in 1990 and anticipated modifying the text to provide more clarity. Development Services Division staff removed the non-Goal 5 related tree regulations amendments within TA 99-00004 and included them with the amendment to Chapter 40 of the Development Code.

At the December 15, 1999 meeting, staff provided considerable information to the Planning Commission with regard to the Oregon Forest Practices Act, including draft guidelines for Developing Urban Forest Practices Ordinances. At this meeting, staff also provided the Planning Commission with information related to the adoption of the 1991 significant tree inventory. Staff discovered that the inventory was not adopted via ordinance by the City Council and the Goal 5 procedures were not followed in developing the inventory. Staff requested a continuance to February 9, 2000 to prepare appropriate significance criteria, complete an ESEE analysis for the tree resources pursuant to the Open Space and Scenic Views and Sites categories of Goal 5, make appropriate Oregon Forest Practices Act findings, and modify the staff report appropriately. At the February 9, 2000 meeting, staff proposed applying for the Oregon Department of Forestry Grant to contract with a consultant for assistance in the project. Staff anticipated that a Planning Commission hearing would be held on August 9, 2000 with regard to the updated inventory, ESEE analysis and draft regulations. At the August 9, 2000 hearing, staff requested a continuance to February 28, 2001 to bring forward the updated inventory, ESEE analysis and draft regulations.

Due to the concerns raised at the Planning Commission hearing (September 1999) regarding the Tree Preservation Plans (TPPs), staff has been researching past TPPs. Tree Preservation Plans were required when development was proposed on sites identified on the Significant Tree Inventory (1991) or Natural Resources Maps (1984). Pertinent information such as the map, final order, arborist report, and other data deemed important by staff is being bound together for future use. Once complete, staff will digitize this information into a data layer that is used for information purposes only. Due to the fact that the TPPs were adopted as part of a land use action and that they were prepared only for "significant" sites, the information will be used to inform and update the inventory by providing information to compare the actual tree preservation areas with the preservation areas adopted via the land use action. This information will not be subsequently adopted as a map, but rather will be used as supplemental data to staff and the public. The map will not be published, but will be available for use as a resource.

Additionally, the Planning Commission requested staff review all trees and groves in the City, including those that had not been adopted as "significant" in the 1991 inventory. To accomplish this and adopt a new inventory of trees pursuant to Goal 5, staff determined that the optional "Open Space" and "Scenic Views and Sites" categories of Goal 5 should be addressed. (There is no category under the Goal that directly addresses trees.) For the purposes of Goal 5, open space includes "parks, forests, wildlife preserves, nature reservations or sanctuaries, and public or private golf courses." Scenic views and sites are "lands that are valued for their aesthetic appearance."

The standard Goal 5 process is as follows:

1. Inventory the resource (specify the location, quality and quantity of the resource),
2. Determine the significance of the resource,
3. Conduct an analysis of the ESEE consequences of fully allowing conflicting uses, partially allowing conflicting uses and full protection of the resource
4. Adopt a program to implement the Goal based on the ESEE analysis. This program could fully protect the resource, partially protect the resource, or fully allow the conflicting uses if deemed to be more important than the resource.

Goal 5 provides a safe harbor protection option for some resources, however, in the case of Open Space and Scenic View and Sites, safe harbor is not an option. Consequently, an ESEE analysis is required.

Based on these facts, staff determined that the most cost effective and expeditious approach would be to contract with a consultant for assistance in the process. The consultant would review inventory forms and evaluation criteria developed by staff, staff would conduct the inventory and determine significance of sites, and the consultant would then conduct an ESEE analysis and propose a program to implement the Goal. Opportunities for public involvement and review and approval by the Planning Commission are factored into work scope as identified in the RFP and the consultant's scope of work (Exhibits B and D of the Agenda Bill, respectively).

#### **SUMMARY OF PERTINENT FACTS:**

1. The 1991 Significant Tree Inventory was adopted by the Board of Design Review, but was not adopted by the City Council by ordinance.
2. The 1991 Significant Tree Inventory was not prepared following Statewide Planning Goal 5 procedures.
3. It is unknown if the 1991 Significant Tree Inventory was intended to supplant the Oregon Forest Practices Act.
4. Ordinance 4065 adopted CPA 99-0007 and CPA 99-0008.
5. CPA 99-0007 and CPA99-0008 included a tree inventory, significance determination, ESEE analysis and program decision with regard to identified groves of trees greater than 2 acres in size in areas that annexed to the City after the 1991 inventory was completed.
6. CPA99-00017 and CPA99-0018 proposed to adopt the 1991 inventory with minimal new information. The new information included relative tree health, areas that had been removed as determined via aerial photography and a site visit, and a photograph of the tree/grove. A digitized (computer mapped) map was also proposed for adoption to replace the 1991 map.
7. The Planning Commission, at the request of staff, continued CPA99-00017 and CPA99-00018 five times in order to attempt resolution of the aforementioned issues.
8. CPA99-00013 and TA99-00004 proposed new tree regulations based on suggestions by the Goal 5 committee and the Development Services Division. Non-Goal 5 related tree regulations were folded into the Development Code Chapter 40 amendment and removed from TA99-00004. Procedural issues were addressed, however, substantive issues related to trees are still unresolved and are on the same continuance schedule as CPA99-00017 and CPA99-00018.
9. This contract, if awarded, will assist staff in resolving the aforementioned issues.



Exhibit 2  
Proposed Amendments to Chapter 40, Section 90  
(Tree Plan)  
(File name: Chapter 40.pdf)



Exhibit 3  
Proposed Amendments to Chapter 60, Section 60  
(Trees and Vegetation)  
(File name: Chapter 60.pdf)



Exhibit 4  
Proposed Amendments to Chapter 90, Definitions  
(File Name: Chapter 90.pdf)

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